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Dated: October 25, 2006 Signature: 

(Lenay Rogus)

Patent  
Docket No. 249692001700

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Alain H. CURAUDEAU et al.

Serial No.: 10/588,419

Filing Date: (Int'l) February 8, 2005

For: PHOTODYNAMIC THERAPY FOR THE  
TREATMENT OF HYPERACTIVE  
SEBACEOUS GLAND DISORDERS  
USING TOPICALLY APPLIED  
HYDROPHOBIC GREEN PORPHYRINS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of non-patent literature documents numbered 21-26 are submitted herewith. However, copies of the remaining foreign patent and non-patent literature documents cited in the attached Form PTO/SB/08a/b were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 10/588,571, filed August 3, 2006, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and

M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

The document numbers 3, 4, 8, 9, 11, 12, 14, 15, 19, and 22-26 listed on the attached Form PTO/SB/08a/b were cited in an International Search Report mailed on May 30, 2005, directed to a counterpart international or foreign application and have not been previously cited.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 249692001700.

Dated: October 24, 2006

Respectfully submitted,

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/588,419
				Filing Date	(Int'l) February 8, 2005
				First Named Inventor	Alain H. CURAUDEAU
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	249692001700

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-5,095,030	03/1992	Levy et al.	
	2.	US-5,955,490	09/1999	Kennedy et al.	
	3.	US-6,492,420	12/2002	Giersckky et al.	
	4.	US-6,600,951	07/2003	Anderson	
	5.	US-6,626,932	09/2003	Whitehurst	
	6.	US-6,645,230	11/2003	Whitehurst	
	7.	US-6,835,202	12/2004	Harth et al.	
	8.	US-6,984,395	01/2006	Boch et al.	
	9.	US-7,018,396	03/2006	Sierra et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	10.	WO-02/13788	02/2002	Anderson		
	11.	WO-03/017824	03/2003	Light Biosciences, LLC		
	12.	WO-03/039597	05/2003	QLT Inc.		
	13.	WO-03/086460	10/2003	Geronemus et al.		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	14.	<del>CELEBI, J. Drugs Dermatol. (2004) 3(5 Suppl.):C12-C22</del>	
	15.	<del>CHARAKIDA et al., Am. J. Clin. Dermatol. (2004) 5(4):241-246</del>	
	16.	<del>HIRSCH et al., Cutis (2003) 71(5):353-354</del>	
	17.	<del>HONGCHARU et al., J. Invest. Dermatology (2000) 115:103-102</del>	
	18.	<del>International Search Report for PCT/CA2005/000144, mailed on May 26, 2005, 5 pages</del>	
	19.	<del>IRAB, J. Drugs Dermatol. (2004) 3(1 Suppl.):S8-S9</del>	
	20.	<del>WATT et al. Goodman and Gilman's The Pharmacological Basis of Therapeutics (2000) 10th ed., Pergamon Press, pp. 1809-1811</del>	
	21.	International Search Report for PCT/CA2005/000154, mailed on May 30, 2005, 5 pages	
	22.	CASAS et al., Br. J. Dermatol. (2000) 143(3):564-572	
	23.	CASAS et al., Br. J. Cancer (2002) 86(5):837-842	
	24.	DIVARIS et al., Am. J. Pathol. (1990) 136(4):891-897	
	25.	MORDON et al., Lasers Surg. Med. (2003) 33(2):119-125	

Examiner Signature	/Donna Jagoe/ (12/30/2008)	Date Considered	
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.J./ (12/30/2008)

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				First Named Inventor	Alain H. CURAUDEAU
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	249692001700

26.	WEICHENTHAL et al., BMC Dermatol. (2001) 1-5	<u>1</u> : <u>1</u>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Donna Jagoe/ (12/30/2008)	Date Considered	
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.J./ (12/30/2008)